IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.599 OF 2005

Vidhi Narayan Prabhunath Dubey & Anr. ....Petitioners

Versus

The State of Maharashtra & Ors. ....Respondents

WITH
WRIT PETITION NO.783 OF 2005

Suratia Devnath Gupta & Ors. ....Petitioners

Versus

The State of Maharashtra & Ors. ....Respondents

WITH
WRIT PETITION NO.790 OF 2005

Rukmini Radheshyam Pal ....Petitioner

Versus

The State of Maharashtra & Ors. ....Respondents

WITH
WRIT PETITION NO.791 OF 2005

Shivnarayan Baijnath Shukla & Anr. ....Petitioners

Versus

The State of Maharashtra & Ors. ....Respondents

Ms.Beaty D'Souza i/b M/s.M. P. Vashi & Associates for the Petitioners.
Mr.R. M. Sawant, Government Pleader for Respondent Nos.1 to 3.
Ms.Priti Purandare for Respondent No.4.

CORAM : DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.
DATE : 27TH JUNE, 2005.

P.C. :

By this order, we propose to dispose of these four Petitions. The Petitioners have approached this Court with a prayer that their properties be acquired after adopting a suitable and proper procedure for acquisition of land and the structures therein. Pursuant to a show cause notice, the Joint Project Director (R & R), Mumbai Urban Infrastructure Project (MUIP), Mumbai Metropolitan Region Development Authority (MMRDA), has filed the affidavit. It is mentioned in the affidavit that the Mumbai Metropolitan Region

Development Authority has been appointed as the nodal agency for implementation of the project known as the Mumbai Urban Transport Project. It is mentioned that the Respondents require the land for constructing the rail over bridge at Jogeshwari South East. Large number of people are going to be affected by this project and in view of the fact that the World Bank which is funding the project is desirous of resettling or rehabilitating the persons affected by the said project.

2. The State Government vide resolution dated 12th December, 2000, propounded a policy for resettlement and rehabilitation of the said project affected persons. According to the Respondents, the Petitioners had to produce necessary documents in accordance with law but they have not filed necessary documents to establish their ownership. The learned counsel appearing for the Respondents submits that the Respondents are willing to consider the documents pertaining to the ownership of the properties, if those documents are filed by the Petitioners within two weeks before the Joint Project Director, Mumbai Urban Infrastructure Project, Mumbai Metropolitan Region Development Authority (MMRDA) Bandra-Kurla Complex, Bandra (East), Mumbai-400 051. In case the Joint Project

Director is not the concerned authority, then it would be his responsibility to pass on applications / documents to the concerned authority.

3. We direct Respondent No.2 to consider the Petitioners' applications / documents and give personal hearing and decide the matter by a reasoned order within six weeks from the date of the receipt of the documents filed by the Petitioners. The Petitioners submit that no further relief is warranted. In view of what we have observed in the preceding paragraphs, no further orders are necessary in these petitions and accordingly these petitions are disposed of.

CHIEF JUSTICE

S.J. VAZIFDAR, J.